

ORDINANCE NO. 46-655

AN ORDINANCE AMENDING SECTION 2.28.180 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DEATH AND SURVIVOR BENEFITS IN THE EVENT OF THE DEATH OF A RETIREE AND REPEALING THE ORIGINALS OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 2.28.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Death And Survivor Benefits In The Event Of The Death Of A Retiree.

(a) Upon the death of a member who retired under Plan No. 1, the following benefits shall be payable to such member's surviving spouse, if any, and/or minor child or children, if any:

(1) In the event of the death of a member who retired under Plan No. 1 and who shall leave a surviving spouse and no minor child or children:

(i) If such member retired prior to January 1, 2000, such surviving spouse, upon proof of marriage to such member, shall be entitled to receive, in addition to all other benefits payable hereunder, a monthly benefit payable for the remainder of the natural life of such surviving spouse, equal to fifty percent of the monthly benefit being paid to such member at the time of such member's death; provided, however, in no event other than to comply with the 75% limitation contained hereinbelow shall such

surviving spouse's monthly benefit be less than fifty percent of the monthly benefit calculated at the time of such member's retirement as adjusted over time for post retirement adjustments. Such surviving spouse shall not be entitled to the benefit unless the surviving spouse was such member's lawfully wedded spouse at the time of retirement.

(ii) If such member retired on or after January 1, 2000, such surviving spouse, upon proof that such spouse was such member's lawfully wedded spouse for at least 12 months prior to such member's death, shall be entitled to receive a monthly benefit payable for the remainder of the natural life of the surviving spouse equal to fifty percent of the monthly benefit being paid to such member at the time of such member's death; provided, however, in no event other than to comply with the 75% limitation contained hereinbelow shall such surviving spouse's monthly benefit be less than fifty percent of the monthly benefit calculated at the time of such member's retirement as adjusted over time for post retirement adjustments.

(2) In the event of the death of a member who retired under Plan No. 1 and who shall leave no surviving spouse but a minor child or children:

(i) If such member retired prior to January 1, 2000, the minor child or children of such member shall be entitled to no benefit hereunder.

(ii) If such member retired on or after January 1, 2000, each minor child of such member shall be entitled to a benefit of twenty percent of such member's final average salary. Such benefit shall be paid to the custodial parent or guardian/conservator of each minor child. In no event shall total payments hereunder on account of such minor children exceed sixty percent of such member's final average salary. In the event such payments would exceed sixty percent of such member's final average salary, each such benefit shall be reduced pro-rata.

(3) In the event of the death of a member who retired under Plan No. 1 and who shall leave a surviving spouse and a minor child or children:

(i) If such member retired prior to January 1, 2000, the surviving spouse of such member shall be entitled to benefits as provided in subsection (a)(1)(i) above . The minor child or children of such member shall be entitled to no benefit hereunder.

(ii) If such member retired on or after January 1, 2000, the surviving spouse of such member shall be entitled to benefits as provided in subsection (a)(1)(ii) above subject to the limitation set forth below. Each such child shall be entitled to a benefit of ten percent of such member's final average salary. Such benefit shall be paid to the custodial parent or guardian/conservator of each such child. In no event shall total payments to a surviving spouse and on account of minor children exceed seventy-five percent of such member's final average salary. In the event such payments

would exceed seventy-five percent of such member's final average salary, the benefit payable to such member's surviving spouse shall be reduced so that total payments equal seventy-five percent of such employee's final average salary. At such time that total payments no longer exceed seventy-five percent of such member's final average salary, the benefit of such surviving spouse shall be increased so that total payments equal seventy-five percent of such member's final average salary but in no event shall such surviving spouse's benefit be increased to a level greater than fifty percent of the monthly benefit calculated at the time of such member's retirement as adjusted over time for post retirement adjustments.

(b) Upon the death of a member who retired under Plan No. 2, the following benefits shall be payable to such member's surviving spouse, if any, and/or minor child or children, if any:

(1) In the event of the death of a member who retired under Plan No. 2 and who shall leave a surviving spouse and no minor child or children:

(i) If such member retired prior to January 1, 2000, such surviving spouse, upon proof of marriage to such member, shall be entitled to receive, in addition to all other benefits payable hereunder, a monthly benefit payable for the remainder of the natural life of such surviving spouse, equal to twenty-five percent of the monthly benefit being paid to such member at the time of such member's death; provided, however, in no event other than to comply with the 75% limitation contained hereinbelow shall such

surviving spouse's monthly retirement be less than twenty-five percent of the monthly benefit calculated at the time of such member's retirement as adjusted over time for post retirement adjustments. Such surviving spouse shall not be entitled to the benefit unless the surviving spouse was such member's lawfully wedded spouse at the time of retirement.

(ii) If such member retired on or after January 1, 2000, such surviving spouse, upon proof that such spouse was such member's lawfully wedded spouse for at least twelve months prior to such member's death, shall be entitled to receive a monthly benefit payable for the remainder of the natural life of the surviving spouse equal to fifty percent of the monthly benefit being paid to such member at the time of such member's death; provided, however, in no even other than to comply with the 75% limitation contained hereinbelow shall such surviving spouse's monthly benefit be less than fifty percent of the monthly benefit calculated at the time of such member's retirement as adjusted over time for post retirement adjustments.

(2) In the event of the death of a member who retired under Plan No. 2 and who shall leave no surviving spouse but a minor child or children:

(i) If such member retired prior to January 1, 2000, the minor child or children of such member shall be entitled to no benefit hereunder.

(ii) If such member retired on or after January 1, 2000, each minor child of such member shall be entitled to a benefit of twenty percent of such member's final average salary. Such benefit shall be paid to the custodial parent or guardian/conservator of each minor child. In no event shall total payments hereunder on account of such minor children exceed sixty percent of such member's final average salary. In the event such payments would exceed sixty percent of such member's final average salary, each such benefit shall be reduced prorata.

(3) In the event of the death of a member who retired under Plan No. 2 and who shall leave a surviving spouse and a minor child or children:

(i) If such member retired prior to January 1, 2000, the surviving spouse of such member shall be entitled to benefits as provided in subsection (b)(1)(i) above; the minor child or children of such member shall be entitled to no benefit hereunder.

(ii) If such member retired on or after January 1, 2000, the surviving spouse of such member shall be entitled to benefits as provided in subsection (b)(1)(ii) above subject to the limitation set forth below. Each such child shall be entitled to a benefit of ten percent of such member's final average salary. Such benefit shall be paid to the custodial parent or guardian/conservator of each

such child. In no event shall total payments to a surviving spouse and on account of minor children exceed seventy-five percent of

such member's final average salary. In the event such payments would exceed seventy-five percent of such member's final average salary, the benefit payable to such member's surviving spouse shall be reduced so that total payments equal seventy-five percent of such employee's final average salary. At such time that total payments no longer exceed seventy-five percent of such member's final average salary, the benefit of such surviving spouse shall be increased so that total payments equal seventy-five percent of such member's final average salary but in no event shall such surviving spouse's benefit be increased to a level greater than fifty percent of the monthly benefit calculated at the time of such member's retirement as adjusted over time for post retirement adjustments.

(c) A minor child shall be eligible for the benefit until age eighteen, death, or marriage, whichever occurs first.

(d) An employee participating in the DROP for Plan No. 1 or Plan No. 2 shall not be considered a member who retired under either Plan No. 1 or Plan No. 2 for purposes of this section.

SECTION 2. The original of Section 2.28.180 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 20th day of September, 2005.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law